

Open Meetings/Public Records Laws

Comments by Mary Gannon, Attorney
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Thank you for the opportunity to comment about the Iowa open meetings and public records law today. My name is Mary Gannon and I am an attorney with the Iowa Association of School Boards. I have been with the association since 1991 after my graduation from the University of Iowa law school. Prior to law school, I was on the Senate Democratic Research staff. In my role at IASB, my responsibilities are assisting school districts with legal and policy matters and most of you know me in my other position as an IASB lobbyist.

You've asked us to comment about the open meetings and public records law. In our opinion the law itself works pretty well for our members. Granted there are some tweaks we'd like to see but can live without them. We believe that the concerns individuals have raised about the open meetings and public records laws have more to do with education and enforcement than anything else.

In our opinion, the implementation of the law is the real issue here. We believe there are three scenarios at play. The first is that individuals don't know the law's requirements. The second is that there are certain individuals who choose to ignore the law. The third is the lack of enforcement of the open meetings law – which could either be due to inability to do so or, again, lack of desire to do so.

As an association we have a manual specifically dedicated to open meetings and public records. We also have a number of items on our web site addressing the two subjects. We hold at least four trainings per year for school board members and administrators. We also include the training when needed due to either the subject matter or the audience (i.e. new business managers.)

We strongly encourage our members to either call their own local counsel or IASB for guidance when they have questions. I estimate about one-fifth of the inquiries I get involve either an open meetings or public records issue. As a side note, the majority of public records questions I get are in regards to student records which are controlled by federal law, not state. As for those individuals who choose to ignore the law, I recommend they get the farm in someone else's name!

Earlier this summer, the Iowa Newspaper Association and Freedom of Information Council asked the cities counties and us to partner with them on some public records training for front-line employees. We are planning both in-person and ICN training for front-line staff in December. We hope this will take care of a lot of the concerns the public has had - once the public employees who get the public records requests get some quality training.

We do believe that there may be some solutions for the enforcement issue. There are other states that have nonpartisan offices focused solely on public records and open meetings. We recommend the legislature consider some of those processes as a solution to the enforcement issue. If the public and governmental bodies could get a free, quick and accurate response from an unbiased entity, it would be best for all involved.

Should you have any questions, just let me know.